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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session
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Item 7 of the provisional agenda
Follow-up procedure

Concluding observations on the twenty-third and twenty-fourth periodic reports of Cyprus

Addendum

Information received from Cyprus on follow-up to the concluding observations*

[Date received: 23 May 2018]

* The present document is being issued without formal editing.

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I. Introduction

1. The present document provides follow-up information by the Republic of Cyprus to the recommendations contained in paragraphs 13 and 27 of the Concluding Observations on the Combined twenty-third and twenty-fourth Periodic Reports of Cyprus (CERD/C/CYP/23-24) adopted by the Committee on the Elimination of Racial Discrimination on 11–12 May 2017 (CERD/C/CYP/CO/23-24) pursuant to paragraph32, thereof.

2. Like the Combined twenty-third and twenty-fourth Periodic Reports of Cyprus, the present document was prepared by the Law Commissioner of the Republic who, pursuant to a Decision of the Council of Ministers, is entrusted with ensuring compliance of Cyprus' reporting obligations under international human rights instruments. Information for the preparation of the present document was provided by the Ministries and Services having competence for the specific matters. Information was also obtained by the Office of the Commissioner for Administration and the Protection of Human Rights (hereinafter "the Ombudsman").

3. The present document will be posted on the website of the Office of the Law Commissioner upon submission.

II. Follow-up information to the recommendations contained in paragraphs 13 and 27

Recommendation No. 13 "Racism as an aggravating circumstance"

4. The Committee welcomes article 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, which states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance. However, the Committee is concerned at the lack of information or data on the application of that provision.

5. **The Committee recommends that the State party implement article 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law and provide it with detailed information including data, on its application.**

Ministry of Justice and Public Order-Police

6. It is noted that section 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law (L.134(I)/2011), was repealed on 7.4.2017, by L.30(I)/2017.Simultaneously, the Criminal Code was amended by L.31(I)/2017, which came into force on 7.4.2017 — introducing section 35A, which extends the application of the Criminal Code, so that the court can consider as an aggravating circumstance (in addition to the racist and xenophobic motivation), the homophobic motivation.

7. More precisely, section 35A of the Criminal Code provides that the court, when imposing the penalty, may take into account as an aggravating factor the motivation of prejudice against a group of persons or a member of such a group of persons on the basis of race, colour, national or ethnic origin, religion or other belief, descent, sexual orientation or gender identity.

8. Therefore, the racist, xenophobic and homophobic motivation constitute aggravating circumstances in relation to all offences.

9. Relevant official data prepared by the Police are set out in Part III here in below.

Recommendation no. 27 "Trainings for law enforcement of officers, judges, lawyers and other State officials"

10. The Committee welcomes information provided by the State party on the training of the police. It regrets the lack of information on training programmes and workshops on human rights, the prevention of racial discrimination and the rights enshrined in the Convention carried out for representatives of State bodies, local government entities, and associations, as well as law enforcement officers, judges and lawyers (art. 7).

11. **The Committee recommends that the State party continue to conduct training programmes on racial discrimination with law enforcement officers, including on the prevention of racial profiling and on proper methods for investigating hate crimes and cases of hate speech. The Committee further recommends that the State party conduct specialized training on the prevention of racial discrimination and on the rights enshrined in the Convention for judges, lawyers and other State officials, as well as for representatives of local government entities and associations. The Committee requests detailed information on such training programmes and their impact on the situation of ethnic minorities.**

A. Office of the Ombudsman

12. The Ombudsman, in the framework of her competences, has carried out, and continues to do so, a number of actions for the elimination of Racial Discrimination in Cyprus, including the organization of training seminars to public officers and students. Examples of such training are:

- The Office of the Ombudsman regularly provides lectures/training to police officers, in collaboration with the Cyprus Police Academy, on the topics of law enforcement in multicultural societies, the combating of racial discrimination and the respect and protection of human rights in general. The most recent trainings were conducted between 12–15/12/2017 (to police cadets), on 22/2/2018 (to Police lieutenants) and on 7/3/2018 (to Immigration Police Officers);
- Officers of the Ombudsman, within the framework of her competences as National Preventive Mechanism under OPCAT, participate in the training of the personnel of the Detention Centre for Irregular Migrants. The trainings aim to educate and prevent all forms of abuse and violation of the human rights of the detainees. The most recent trainings took place between 12–15/9/2017;
- The Office of the Ombudsman provides training seminars to the personnel of the Prison Department, on the topics of "Human Rights and Correctional Institutions" and "Discrimination and Racist Incidents", respectively. The most recent training took place on 22/12/2017 to newly hired prison guards;
- In 2017, the Office of the Ombudsman collaborated with the Ministry of Interior, the Police and the Cyprus Academy for Public Administration in organizing a number of training seminars to front line public officers (Labor Department, Labor Relations Department, Police — Immigration and local police stations, officers of local authorities conducting civil marriages, etc.) in order to enhance their ability to detect indications of trafficking/ exploitation of vulnerable groups of people, mainly migrant women and refer the cases appropriately and timely;
- On a regular basis Officers of the Ombudsman participate in the compulsory training seminars offered by the Cyprus Academy for Public Administration to newly recruited public officers and present the topic of combating discrimination;
- Officers of the Ombudsman, with the support of the Ministry of Education and Culture, continue to visit public and private schools of Elementary and Secondary education giving presentations/trainings, to teachers and students, on the topics of diversity and discrimination. The most recent visits took place on 27/2/18 to Secondary Education School (the presentation was done before the whole school)

and on 19/3/2018 to an Elementary school (the training done in the form of "experiential learning", adjusted for the age of the students);

- In 2017, the Office of the Ombudsman co-organised, with the Youth Board of Cyprus, a Student Forum on Diversity, attended by secondary education students from all over Cyprus. In the framework of the Forum, the students, under the guidance of qualified trainers, discussed and expressed views on issues concerning diversity and migrant integration;
- Since 2013, the Ombudsman, in cooperation with the Police, drafted a new Policy/Circular on how the Police should prevent, handle and record hate crimes and hate incidents. The Policy/Circular was adopted by the Police and is being implemented since. Moreover, it has been included in the main education curriculum that is used to train new members of the police force, as well as in the ongoing training of all other police officers.

B. Ministry of Education and Culture

13. Since May 2017, the Ministry of Education and Culture (MOEC) continued to offer training programmes, seminars and conferences against the use of racism stereotypes and hate speech in the public sphere, including racism against Roma community, ethnic minorities who are Muslims or asylum seekers, through the Pedagogical Institute. The Institute constantly supports teachers and schools, by providing trainings and workshops for the implementation of the anti-racist policy, such as the yearly teacher training for primary and secondary school teachers and by organising conferences on issues of racism, gender and human rights. In addition, the Institute organises in-service teachers' training seminars, on a school basis, as well as a series of seminars where teachers can attend in the afternoon, optionally. More specific, the in-service seminars offered, during the period under review, for both primary and secondary education, were the following and covered issues of:

- Cultivating empathy;
- Implementing the anti-racist policy at our school: Challenges in dealing with racist incidents;
- Human relations and crisis management in the school community: From conflict to respect of diversity;
- Racism-promoting and teaching equality;
- Stereotypes, prejudices, racism: Towards an education on the basis of human rights;
- Cultivating awareness of pupils against racism and intolerance;
- Integration of migrant pupils in the general classroom;
- Acceptance of the "*other*" person;
- Developing empathy skills to pupils in the modern multicultural school.

14. Furthermore, the MOEC, in collaboration with the Commissioner for Children's Rights and the UNHCR Cyprus Office, implements the programme titled "*Away from home and fear*", targeting children with refugee and/or migrant background in secondary education. For the purposes of the programme, participating schools collaborate with all the institutions involved to create an action plan based on their specific needs in order to promote the integration of children and their families. The design and implementation of this action plan in each school is coordinated by a group of parents, teachers and children from various backgrounds (native, refugee, migrant). This provides children and their families with opportunities to be heard through campaigns about children's rights and facilitate their integration process. The programme's duration is from May 2017 until June 2018, and will end with a dissemination action involving all participating schools and the general public and teachers on Children's Day (1st June 2018).

15. Since February 2017, a new project is being implemented, in a number of selected primary schools, for teaching the Greek language to Minor Third-Country Nationals by the

Pedagogical Institute, in cooperation with the Department of Primary Education, the Research Centre CARDET and the Advisory Company INNOVADE. The project is co-funded by the Asylum, Migration and Integration Fund (90%) and the Republic of Cyprus (10%).

16. The Institute also coordinates the project "*Measures for Improving Social and Educational Integration of Children coming from non-EU countries*" co-funded by the Asylum, Migration and Integration Fund and Republic of Cyprus. The project aims to provide support to teachers on issues of teaching Greek as a second language, dealing with sociocultural diversity in schools and to introduce measures for parent's involvement in schools where third country pupils attend. The project started in January 2017 and will end in June 2018.

17. The Institute also participated until the end of 2017 in the European project BODI. BODI aimed to: (1) Contribute to the development of education policies and practices on intercultural education, gender education and inclusion of children/parents of minority cultural backgrounds; (2) Contribute to the development of teachers' competences through new methods for teacher training and new practical tools ready to adapt, for example: develop an understanding of cultural differences having an impact on early childhood education, develop tools to solve possible tensions and conflicts, develop skills and creative tools to address issues of cultural diversity, gender, and health with the children, offer tools to involve parents and engage them in dialogue about sensitive issues; (3) Contribute to the development of school's capacity to address cultural diversity, to ensure that children of different cultural backgrounds and their parents are not excluded and equip children for participation in an intercultural society, that is tolerant towards gender diversity.

18. Moreover, the MOEC continued the coordination of the Erasmus+ project "*iDecide*" (2016–2018), which has developed an innovative toolkit and induction course to support evidence-based policy making, which can lead to the reduction of disparities in learning outcomes and marginalization, by supporting school leaders, school staff and policymakers to engage in shared and inclusive decision making. By implementing the toolkit and collecting rich data, the project aims to understand the complexities of how decisions at school level influence marginalized groups and develop concrete recommendations for policy and practice on how to engage in shared decision making, giving voice to all stakeholders. One of the most crucial deliverables of the project will be the "*iDecide Toolkit*", which will, inter alia, invite school leaders and staff to consider the following factors when making decisions:

- *Cultural differences*: Visits to religious sites need to take into consideration the various religions represented in the school population/community of the area/country in order to ensure that religious sites belonging to religious minorities will not be neglected systematically (regardless of intention);
- *Disability — Health issues*: All disabilities/health issues/dietary requirements of the school population and the potential difficulties they may encounter in the initial plan of the excursion/school visit need to be considered;
- *Economic obstacles*: Depending on the socioeconomic status of each pupil, school leaders and staff need to be sensitive of the cost;
- *Geographical obstacles*: The location of the community and the distance that children may need to travel everyday between the school and their homes needs to be considered;
- *Social obstacles*: Before decisions are taken, social characteristics of the pupil population such as the type of their family, the citizenship status of the parents etc. need to be considered.

19. The MOEC will continue to conduct specialized training on the prevention of racial discrimination and on the rights enshrined in the Convention for teachers, pupils as well as parents.

C. Ministry of Justice and Public Order-Police

20. The Cyprus Police Academy (CPA) provides, inter alia, education and training related to human rights, racial and other forms of discrimination, combating xenophobia and racism, at all levels of Police training, aiming to educate Police Officers of all ranks: These lectures are included in the Basic Training Programme for Recruit Police Officers, in the advanced courses such as Sergeants' Course, Inspectors' Course, Chief Inspectors' Course, as well as in other specialized courses.

21. Specifically, the following lectures are offered on Preventing and Combating Discrimination and on Human Rights:

- Combating xenophobia and racism;
- Communication in a Multicultural Society;
- Policing a Multicultural Society;
- Human Rights;
- Prohibition of torture and other forms of inhuman or degrading treatment or punishment;
- Racial Discrimination and other forms of Discrimination;
- Human Rights and Police Ethics.

22. Within the time period of May 2017–April 2018, CPA has organized the following programmes that include lectures on human rights, racism and xenophobia:

- One day refresher training programme which is offered at least once every six months for Police officers serving at the Menoyia Detention Center. It was offered on 12, 13, 14, 15/09/2017 and 5, 6, 7, 8/03/2018;
- Training Programme on Community Policing;
- Training Programme for police members who carry out foot patrols;
- Police Ethics and Dealing with Stressful Incidents Programme;
- Advanced Crime Investigation Training Programme;
- Basic Criminal Investigation Training Programme;
- Sergeant's Training Programme;
- Chief Inspectors' Training Programme.

23. It should also be mentioned that on 20/09/2017 a specific one day programme focusing on human rights, was organized by the CPA, in order to inform the participants on issues such as:

- Implementing the Provisions of the Police Code of Ethics;
- Investigation of Racially Motivated Crimes and Hate Crimes;
- Developing a culture for the Respect of Human Rights.

24. Police training focuses on harmonizing police mentality with the new multicultural environment of the Cyprus society. To this respect, emphasis is given on building and maintaining a positive approach by Police members towards all individuals, regardless of their culture, customs, religion, sexual orientation and place of origin.

25. A special folder which includes all the Police Orders and Circular Letters of the Chief of Police, issued from 2008 to this day, was uploaded on the internal information portal of Police. The folder is a helpful tool for Police members in their daily duties concerning issues of combating racism and discrimination (ex. legislation and recognition and investigation procedures of racial offences or offences/incidents with racial motive).

26. It is also noted that, the Police Code of Ethics was revised within 2017 taking into consideration, inter alia, the European Police Code of Conduct and the Guide of Conduct

and Ethics for Public Servants, which was prepared with the assistance of the Ombudsman. The Code of Ethics was enriched with new provisions concerning the behaviour of police officers in the performance of their duties. The Code was further divided in articles to make it more user-friendly. It is an institutional framework of actions, behaviours and attitudes which aims to highlight the professional and moral completeness of Police as a responsible person and a public official. It is a framework of principles and rules that promote mutual respect and trust between the Police and citizens. The Code of Ethics was issued in a booklet form and was distributed to all members of the Police for awareness and sensitization, strengthening good administration and transparency, promotion of human rights of citizens, strengthening public confidence in the Police and further development of professionalism in the Police. It is divided in eight parts relating to the general obligations and duties of the Police, the behaviour during police action, the behaviour during investigation and questioning, behaviour during arrest and detention, etc. The Code was placed on the Police Portal and the official website of the Cyprus Police. Lastly, the Police Standing Order 1/73 "Police Code of Ethics" was also amended.

III. Statistics and other useful data related to Recommendation No. 13, provided by the Cyprus Police

Complainants/Accused in Incidents and/or Cases of Racial Motive 2005–2017

Year	*Complainants Victims*	*Accused / Perpetrators*	*Total*
2005	6	1	7
2006	22	14	36
2007	3	4	7
2008	11	16	27
2009	9	14	23
2010	58	46	104
2011	29	45	74
2012	16	32	48
2013	11	16	27
2014	20	14	34
2015	12	22	34
2016	18	26	42
2017	36	42	78
Total	**251**	**292**	**543**

Nationality Ethnotic Origin of Complainants in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005–2017
(Last updated: April 2017)

Nationality	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Total*
Egypt								1						1
Ivory Coast									1					1
Bulgaria				2				1	3		1	2		9
Germany						1			1				1	3
Geprgoa						4			1			1	2	8
Ghana								1						1
Guinea												1		1
Dominican Republic						1								1
Greek Cypriot	3				1	28	12	5		2	2	4	17	74
Greece		15					2				1		1	19
United Kingdom				3		4			1					8
United States		1			1									2
India						3	1							4
Jordan							1							1
Iraq							2							2
Iran													1	1
Ireland						4								4
Israel						1		2		4				7
Kenya								1						1
China							1							1
Kurdistan			1						2					3
Croatia								1						1
Lebanon								1						1
Bangladesh			1			4	1							6
Benin	1									2				3
Nigeria					1	1								2
Pakistan									1	1				2

Nationality	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Total*
Palestine						2	5							7
Romania	1			1			3					1	2	8
Syria											1	2	1	4
Sudan				1										1
Turkish Cypriot	1	6	1	4	5	4				4	5	3	10	43
Turkey									1					1
Zimbabwe					1									1
Philippines													1	1
Unspecified						1	1	3		7	2	4		18
Total	**6**	**22**	**3**	**11**	**9**	**58**	**29**	**16**	**11**	**20**	**12**	**18**	**36**	**251**

Source: Office for Combating Discrimination, Crime Combating Department, Police Headquarters.

Nationality/Ethnotic Origin of Accused in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005–2017

Nationality	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Total*
Egypt				1	2									3
Ivory Coast														0
Bulgaria														0
Germany														0
Georgia			1											1
Dominican Republic														0
Greek Cypriot	1	14	2	15	6	35	43	21	14	13	22	26	33	245
Greece														0
United Kingdom						1		1						2
United States of America														0
India														0
Ireland														0
Jordan					1			1						2
Israel														0
Kenya								1						1
China														0
Kurdistan														0
Croatia														0
Lebanon														0
Bangladesh														0
Benin														0
Nigeria														0
Pakistan					1									1
Pakistan						6	2							8
Romania					1					1			1	3
Syria					2								0	2
Sudan														0

Nationality	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Total*
Turkish Cypriot														0
Turkey														0
Zimbabwe														0
Unspecified			1		1	4		8	2				8	24
Total	**1**	**14**	**4**	**16**	**14**	**46**	**45**	**32**	**16**	**14**	**22**	**26**	**42**	**292**

Motive in Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005–2017

Motive	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Total*
Language							1	1						2
Special Needs								1					1	2
Nationality/Ethnotic Origin	2	17	3	6	4	26	12	7	4	1	3	8	15	108
Age														0
Religion		1			3	1		1	1	1		3	3	14
Community					1	1				3	6	4	10	25
Political views	1	16			2	3	2		1				4	29
Sexual orientation							1	3	1	3		1	1	10
Race		1			1	3		1			1			7
Gender														0
Color	1		1		2	5	9	1	2	4	1	3	1	30
Unspecified						1								1
Total	**4**	**35**	**4**	**6**	**13**	**40**	**25**	**15**	**9**	**12**	**11**	**19**	**35**	**228**

Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005–2017 (Last update May 2018)

		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Subtotal (2005–2010)	Total
Incidents		2	18	3	6	8	34	16	14	8	11	11	17	27	71[a]	175
1. Records		1	1	0	2	1	2	2	5	3	5	0	1	16	7[a]	39
2. Criminal Investigations		1	17	3	4	7	32	14	9	5	6	11	16	11	64[a]	136
2.1	Undetected, not existed, Otherwise, Disposed, Not Police Nature	0	1	1	3	4	5	7	5	0	3	3	6	2	14[a]	40
2.2	Being Reviewed	0	0	0	0	0	0	0	0	0	0	0	3	4	0[a]	7
2.3	In Abeyance	0	0	0	0	0	0	1	0	0	0	0	0	1	0[a]	2
2.4	Filed in Court	1	16	2	1	3	27	6	4	5	3	8	7	4	50[a]	87
2.3.1	*Pending in Court*	0	0	0	0	0	0	0	0	0	0	4	7	2	0[a]	12
2.3.2	*Suspension Interruption Nolle prosequi*	0	0	2	0	2	4	3	1	1	1	2	0	2	8[a]	18
2.3.3	*Acquital*	1[b]	0	0	0	0	2[b]	0	1	1	0	0	0	0	3[a]	5
2.3.4	*Conviction*	0	16	0	1	1[b]	21	3	2	3	2	2[b]	0	0	39[a]	51

Source: Office for Combating Discrimination, Crime Combating Department, Police Headquarters.

[a] For this period no cases are pending before the court.

[b] Charges of a racist nature were raised.

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Incidents and/or Cases of Racial Nature and/or with Racial Motive 2005–2017 based on the way of Assault

	2005	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*Subtotal (2005-2010)*	*Total*
Incidents	2	18	3	6	8	34	16	14	8	11	11	17	27	71	175
Classification of the way of assault															
• Against Person	2	1	2	2	4	10	15	5	5	1	4	13	5	21	69
• Against Property	0	17	1	5	4	22	5	3	1	2	5	4	5	49	74
• Verbal Assaults, Hate Speech/acts/threats	2	2	1	0	5	24	4	6	7	8	3	13	22	34	97